THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19084 of 2005

Date 01.09.2005

Between:

P.Bazaranna.

..... PETITIONER

AND

The Superintending Engineer, A.P.C.P.D.C.L, (A.P. Transco), Kurnool & others.

.....RESPONDENTS

The Court made the following Order:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in taking steps to establish Electrical Sub-Station in the petitioner's land situated in S.No.72/1A to an extent of 0.54 cents in Dupadu village (adjacent to Lakshmipuram) Kallur Mandal, Kurnool District, as illegal and arbitrary.

The petitioner contends that the Tahsildar, Kurnool, through his proceedings dated 30.06.1977 issued a permanent patta in respect of the land situated in S.No.72/1A to an extent of 0.54 cents in Dupadu village, Kallur Mandal, Kurnool District and since then, he has been in possession of the said land. The grievance of the petitioner is that though he was granted patta, the respondents without following due process of law are taking steps to establish the Electrical Sub-station. Hence this writ petition.

Learned counsel for the petitioner contended that originally the revenue authorities granted patta to the petitioner and therefore, without canceling the patta or without acquiring the said land, respondents cannot take steps to establish Electric Sub-Station.

On the other hand, learned Government Pleader for Revenue contended that though the petitioner was granted patta, the land which was assigned to the petitioner is the Rasta Poramboke land, therefore, petitioner cannot have any right in respect of the said land.

Admittedly, the respondents have to follow due process of law to acquire the land in question or for canceling patta granted in favour of the petitioner. Till then, respondents cannot take steps for construction of the Electric Sub-station in the said land. Hence, the writ petition is disposed of directing the respondents not to establish Electric Sub-station in the petitioner's land except in accordance with law.

01.09.2005

Note:Operative portion by wire

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